

Washington State Office of Public Defense

Sample Public Defense Contract Clauses

1. **REPRESENTATIONAL SERVICES** – The services for which the Contracting Authority is to pay the Contractor are representational services, including lawyer services and appropriate support staff services, investigation and appropriate sentencing advocacy and social work services, and legal services including but not limited to interviews of clients and potential witnesses, legal research, preparation and filing of pleadings, negotiations with the appropriate prosecutor or other agency and court regarding possible dispositions, and preparation for and appearance at all court proceedings.
2. **OPERATIONAL SUPPORT** – Public defense contractors shall warrant that adequate staff services and facilities will be established to enable the effective provision of legal services.
3. **QUALIFICATIONS** -- Public defense contractors who handle the most serious cases (1st and 2d degree murder, persistent offender cases and all class A felonies) should meet WSBA endorsed qualification standards (WSBA member; 7 hours of public defense related CLE per year); plus 2 years experience as either a prosecutor or public defender or either experience as a trial counsel alone or experience with other trial counsel including handling a significant portion of the trial in five felony cases that have gone to the jury.
4. **TRAINING** – Public defense contractors shall take training approved by OPD, including at least seven hours per year of continuing legal education (CLE) credits related to criminal defense.
5. **INVESTIGATORS** – Funding for investigators will be identified in the county or city budget and/or is specified in compensation in this contract for a public defender agency. Public defenders may file ex parte motions for such investigator funds.
6. **EXPERTS** -- Funding for experts will be identified in the county or city budget and/or is specified in compensation in this contract for a public defender agency. Public defenders may file ex parte motions for such expert funds.
7. **EXTRAORDINARY CASES** – If Contractor is assigned a case which requires an extraordinary amount of time and preparation, the following additional payment may be applied for: (specify – e.g. hourly over a certain number of hours).

8. PRIVATE PRACTICE – Public defense contractors shall each year provide a listing of hours billed for nonpublic defense legal services, including number and types of private cases. Contractors holding more than one public defense contract shall list each contract.
9. CONFLICT OF INTEREST – The cost of conflict counsel shall be paid by the county or city and not by the contracting public defender.
10. REPORTING – Contracting public defender shall report total cases, types of cases, dispositions and total time spent on cases on a monthly basis.